



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

of the National Societies and of the American Institute of International Law. One society voices but the views of its members, but twenty-one societies and the American Institute, composed of representatives of these twenty-one societies, voice the opinion of a continent, which may not inappropriately be termed the juridical conscience of the Americas. When we bear in mind the fact that forty-four States met in 1907 at The Hague and discussed questions of a common interest during four months and agreed upon matters of importance to all, we note that the American countries lack but a single vote of one-half of all the nations represented at the Second Hague Peace Conference. If questions of international law be carefully and thoroughly studied in each of these twenty-one countries, if its principles be widely disseminated among its peoples, the result will be not merely the drawing together of the Americas upon a common ground through the successful operation of the Societies of International Law and of the Institute, but the nations at large in conference assembled will profit by their labors."

An interested party is likely to be partisan, or at least partial to the object of his interest, whereas the comment of a stranger is likely to be juster, even if less commendatory. For this reason the views of Professor de Louter, a distinguished professor of international law in Holland, are quoted as expressing what may be considered European—that is to say, foreign—appreciation of the services which the American Institute is expected by European publicists to render:

"The gradual coming together of North and South America has called into existence a new agency of pro-

gress. The projects for a Pan-American Union which have been discussed for a long time, but never practically realized, have at last led to a definite result within the peaceful field of scholarly pursuits, thanks to the talent and perseverance of two illustrious men from the two halves of the hemisphere. In the course of the past year Dr. James Brown Scott, the distinguished jurisconsult of the United States, and Mr. Alejandro Alvarez, formerly a professor and at present counselor to the Chilean Ministry of Foreign Affairs, who in June, 1912, had brought to bear a salutary influence at Rio upon the plan of codification, have, after a personal meeting at Washington, founded in the latter place, in October, 1912, The American Institute of International Law. This Institute has for its object: first, to contribute to the development of international law; second, to crystallize the common sentiment for international justice; third, to promote pacific settlement of all international disputes arising between the American countries. This luminous plan was born of the conviction that it is better to foster ideas of right and justice through slow but constant infusion into the minds and hearts of the peoples than through diplomatic negotiations not based upon a general, popular feeling."

"When it is understood that the pacifist movement is more general in America than in any other country, and rests either on a religious basis or upon a community of interests and of tendencies worthy of envy, we can best appreciate this new evidence of vigorous progress which has come to us from the other side of the ocean; it puts new life into our hopes and gives fresh impetus to our efforts."

THE PATRIOTIC DUTY FACING THE AMERICAS

By ARTHUR DEERIN CALL

A PRAISEWORTHY PATRIOTISM

THE beginning and growth of a state have their romance, tragedy, and mystery. The permanent organization of a people within definite territorial limits, aiming toward justice by a self-imposed system of laws, as the books say, is the state; and, whatever the state, it is an impressive phenomenon. Its function, by means of an independent government and within a territory of its own, is to organize and protect the best good of its people. It transcends the mere judiciary, legislature, administration. It involves all of these and, in addition, the very morality and genius of human organization itself. Historically it represents a strange and unpremeditated struggle of the people toward a better self-protection on the one hand, and toward a community of interests in a common worship on the other. But, more, it is a subtle, silent growth out of the very springs of human nature, occult, racial, unplanned, unconscious, what Plato calls the result of "infinite time." Like all life, states seem to rise because of their victory over forces which tend to destroy. In any event, it is true, as Socrates says in "The Republic," that states have arisen out of the very needs of mankind. And in a sense it is true, as stated by Aristotle, that they constitute the "noblest and highest good."

The passion to serve one's country, founded in loyalties to such conceptions of the state, is patriotism. And that states do survive is due in no small measure to patriotism. Witness the men and women who engage so faithfully and well in unpaid public service; the high intelligence applied to the development of practical philanthropy; and the reawakening in, and the reinterpreting of religious aspiration. These are today very visible and very hopeful facts in American life. The almost frantic appeal to the public schools by the various bureaus, by the peace foundations, by the trade organizations, by thrift organizations, temperance workers, fire underwriters, suffragettes, and others, pathetic from one point of view, is illustrative of the aspiring up-building forces within our state.

Never before have so many men and women thought in terms of the social need as now. Even behind the seeming indifference there remains a deep reverence for the state, the passion to serve one's country, that very fine virtue which we call patriotism. Patriotism is seen only in the rough upon our Fourth of July, in our cheap oratory—indeed, anywhere in the open. It is seen better in the man who gladly gives to the assessor a full account of his taxable property. It is seen in every man who lives consistently, actuated by the principle that his religious duty and his patriotic duty are one and the

same. It is seen whenever we find a man who believes, and lives as if he believes, with Bishop Berkeley, that "where the heart is right there is true patriotism;" or with Virgil, that "the noblest motive is the public good." It is seen in every struggle against Chauvinism, bigotry, intolerance, fanaticism, error. It is seen in every person who has learned, and who lives as if he has learned, the lesson that the state is his great alma mater—that what he accomplishes he accomplishes only by its aid.

The affectionate regard for states, characteristic of the Greek and other city-states of the earlier times, is not dead. The effort to develop in America states different from any known before will continue in spite of demagoguery and other ills. The progress will go on. We shall continue to reach out for an increased ardent worldliness, a consecrated willingness to toil for the present, but not unmindful of the finer era that is to come. We shall continue to study conditions as they are. We shall apply actual experience to definite needs. We shall co-operate more intelligently, more consistently, more fearlessly. We shall do the best we can to breathe into politics and into public life a true evangelical spirit, because we believe that these things constitute the hope of an advancing democracy; and in doing these things, we shall sense the fine glow of a praiseworthy patriotism.

A LARGER CONCEPTION OF PATRIOTISM

It is true, as said by Chief Justice Marshall, that "no principle of general law is more universally acknowledged than the principle of equality of nations." It is true, as another learned jurist, Lord Stowell, has held, that there is a sense in which "distinctive states are equal and entirely independent." For certain purposes these great principles laid down for the Anglo-Saxon world are very true. There will, therefore, always be ample room and opportunity for patriotic service within the nations.

But states no longer exist alone. They are related endlessly. There is a sense in which states are not and cannot be independent. They cannot completely limit the interchanges of commerce. They cannot set boundaries to the reaches of religion. They cannot stop the transfusion of world ideas or ideals. Indeed, they cannot survive as now they are, without each other. The annihilation of space and time has gone so far, interchanges of production are now so infinite, that injury to one nation constitutes injury to all.

This is not a new conception. International law is the outgrowth of just such limitless international relations. It became necessary long ago for the civilized nations to organize rules binding upon them in their intercourse with one another. The result is that, as the international relations have multiplied, international laws have increased in number and importance. Over six hundred cases have been decided between the United States and foreign nations in accord with international principles of arbitration, friendly composition, or law.

In 1899 twenty-six nations of the world met at The Hague and made laws for themselves, some affecting the conduct of nations in war, others in peace. Indeed, they organized for themselves a court of arbitration which has already settled sixteen international disputes, some of which might have led to war,

But that meeting itself was not a new idea. Many plans for international organization had been proposed long before. Saint Pierre and King Henry IV in France, William Penn, and a number of others, are names associated with plans which received more or less consideration. But, most important of all, in the year 1840 William Ladd, founder of the *American Peace Society*, proposed:

"1. A congress of ambassadors from all those Christian and civilized nations who should choose to send them, for the purpose of settling the principles of international law by compact and agreement, of the nature of a mutual treaty, and also of devising and promoting plans for the preservation of peace and ameliorating the condition of man.

"2. A court of nations, composed of the most able citizens in the world, to arbitrate or judge such cases as should be brought before it, by the mutual consent of two or more contending nations; thus dividing entirely the diplomatic from the judicial functions, which require such different, not to say opposite, characters in the exercise of their functions." He added: "I consider the congress as the legislature and the court as the judiciary in the government of nations, leaving the functions of the executive with public opinion, 'the queen of the world.'"

In this remarkable and illuminating essay of 128 pages, Mr. Ladd outlines every essential peace principle thus far acceptable to or discussed by the nations.

In 1907, forty-four of the nations met at The Hague. At this conference laws, some relating again to war, some to peace, were stated, and afterward wrought into the practice of nations. Perhaps most important of all, the conference of 1907 adopted a draft convention for the establishment of a permanent court of justice—in other words, a supreme court of the world. All the nations represented agreed upon this court in principle. The only reason it was not immediately organized and set into motion lay in the fact that the nations could not agree upon the method of appointing the judges. The language of the *vœu* adopted by the conference relative to the matter is important. It reads:

"The conference recommends to the signatory powers the adoption of the annexed draft convention for the creation of a judicial arbitration court, and the bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the court."

Referring to this *vœu*, Dr. James Brown Scott, technical delegate to the Second Hague Conference from the United States, says:

"Like the prize court, the court of arbitral justice has not yet been established, but there can be no doubt that one or the other will be constituted, or that a tribunal with the jurisdiction of both will be created and be installed at The Hague at no distant date."

The two great important outstanding facts relative to the two Hague conferences are: (1) They were in reality law-making bodies; (2) the leading nations of the world have officially agreed to the organization of a high court of nations.

It is not especially important that these are the two things pleaded for by the founder of the *American Peace Society* in 1840. The importance of them lies in the fact that these two great principles are at the basis of the hope in an international peace, because it is these two great agencies, a law-making and law-interpreting body, that are to function ultimately as a substitute for

international war. It is of importance that we of America should understand this. If we really think at all we must all think internationally at last. The demand of our time is for a new and wider patriotism.

It would seem reasonable to assume, in the light of the destruction abroad, that this country is less in danger of invasion today than ever before in its history. It would seem proper, therefore, to conclude that any hysterical preparedness for such a danger is uncalled for. In any event, an investigation of our international policies then, and then only, to be followed by a definite program, an investigation of the facts pertinent to the expenditure already made for purposes of defense, an investigation of the sources of inspiration behind the unprecedented lobby flooding our country with costly literature in the interest of an unexplained "preparedness," would seem to be the natural first steps before altering the very principles at the foundations of our American ideal. We might well consider carefully the enormous private profits in the manufacture of the munitions of war. We should view the financial aspects of the large military programs, not in the light of indirect burdens upon the poor, but in the light of increased income taxes. A joint high commission empowered to study and report upon the relations existing between America, China, and Japan is a suggestion of no little merit. The Wilson-Bryan treaties, which provide for the investigation of questions in dispute before resorting to war, and which have been signed by thirty of the nations, and which are now effective, by exchange of ratification and proclamation by the President, between this country and fifteen of the powers, including France, Great Britain, and Italy, need to be extended as rapidly as possible. As never before, Peace reaches out imploring hands for a more constructive and purified patriotism.

ONE OPPORTUNITY FACING THE AMERICAS

It is true that the war has brought to the United States new opportunities and new responsibilities. It may be proper that we as a nation should take advantage of the situation to promote on the part of this country a larger participation in world affairs, including world commerce. Permanent new business, a richer material prosperity, and a larger part in international trade may be expected at least in certain directions. The newly organized American International Corporation and the recent Pan-American Financial Conference are evidences that American business men are alive to American financial interests.

But more interesting and more hopeful to me is the fact that in a few days there is to be organized in Washington an American Institute of International Law. This "Institute" is to be made up of representatives, recommended by the national society of international law from every one of the twenty-one American Republics. Its immediate concern will be the study and development of international law affecting American states. This is a very significant and a very inspiring enterprise. To promote it is the duty of American patriotism everywhere among the Americas. Surely every man who loves the United States should be interested to advance justice throughout the western hemisphere. To popularize the principles of law, to make clearer the perception of international rights and du-

ties, to secure pacific action between the American nations, is no insignificant matter. Patriotism in the United States cannot, therefore, stop at the water's edge. The welfare of men, women, and children in every state, city, and hamlet throughout our land is dependent in no small measure upon the development of rational and judicial methods for settling international disputes between the American republics. A great patriotic opportunity facing America today, therefore, is to promote the principles of international law as expressed in this effort to establish an American Institute of International Law, to advance among our sister republics the peaceful and sympathetic settlement of international disputes, and that in accordance with the principles of law and equity.

THE DUTY FACING ALL THE AMERICAS

But if this be true as between the nations in this hemisphere, how much more is it true of the nations of the earth around. Because, in 1814, all the nations and principalities of Europe, except Turkey, could meet and discuss for nine long months their most intimate difficulties, with the hope that they might overcome war as a means of settling international disputes, and overcome it, indeed, for a generation; because, beginning in 1815, the world could support for a century an organized movement for the establishment of international peace; because, in 1899, twenty-six nations of the earth could meet as a congress of nations; because, in 1907, forty-four of the nations could meet as a congress of nations and agree in principle upon a high court of nations, the then Secretary of State, the Hon. Elihu Root, could say: "A little time, a little patience, and the great work is accomplished."

Hence does it not stand to reason that after this experience, and especially after the experience of the greatest of world wars now destroying in Europe the accumulated treasures of centuries and the flower of her manhood, at the close of this war, settled as it will be by the suffering belligerents, there will be another, a Third Conference of neutrals and belligerents, probably at The Hague, where greater prominence shall be given to the machinery of justice already at hand? If in July, 1914, when Serbia offered to send the only remaining point in dispute between herself and Austria to The Hague, there had been in existence an accredited court, such as was contemplated by William Ladd and by the high-minded statesmen of 1907, who knows that this tremendous tragedy might not have been averted?

It is an open secret that early in 1910, four of the greatest world powers, Germany, the United States, France, and Great Britain, concluded in Paris a draft convention for the establishment of a court of arbitral justice, and a little later, at The Hague, a draft for putting it into force. Early in 1914 plans were practically completed, and, as is known by those whose business it is to know, the foreign minister of one of the European powers had expressed his willingness—indeed, desire—to call upon nine of the leading powers known to be particularly favorable to the project, to perfect at the earliest possible time the details for the permanent establishment of such a court of arbitral justice. There was in January, 1914, every reason for believing that the court would be established before the end of the year. From my point of view, one of the most tragical facts

in all history is that the writing of the Austrian note of July 23, 1914, interfered with the plans at that time all but consummated. While I am forbidden to amplify the significance of this statement more in detail, I am not forbidden the privilege of prophesying that when once this war is over, the duty of every intelligent American will be clear. That duty will be to lend every ounce of his support to the greater perfection of the congress and court of nations, existing there in embryo, so to speak, in the Third Hague Conference that is to be.

To day none should doubt the need of some form of a more effectual international union or organization which may serve as a substitute for war. The protection of life, liberty, property is now a world function. The pursuit of happiness transcends political boundaries. American patriotism will rise to its best only as it acts in harmony with the collective interests of co-operating states.

These statements are neither abstract nor irrelevant. The supreme need of the world is that it may avoid hereafter the collapse of civilized adjustments. Our hope is not that we can wholly avoid frictions between nations, but that, once issues are joined, there may be a place for their hearing and decision. Loyalty to such an institution, when once it is firmly and adequately established, may be expected to follow as the night the day; not immediately and unanimously at first, but finally and certainly.

Therefore the patriotic opportunity—yes, duty—facing the Americas at the present time is to study and forget not the great international accomplishments already at hand, and to conserve every moral and intellectual energy for their further development when the peace has come to Europe; for it is by such means, and such means mainly, that the stricken nations can work out their problem of recurring and irrational wars.

THE EFFECT OF THE WAR UPON PAN AMERICAN CO-OPERATION

By SENHOR MANOEL DE OLIVEIRA LIMA

Dr. Lima, who has kindly furnished us with this interesting paper, is Minister Plenipotentiary from Brazil, Professor of Latin-American History and Economics (1915-16) at Harvard University; member of the Brazilian Academy and Academy of Lisbon; author of "Pan-Americanism: Bolivar-Monroe-Roosevelt," and "Impressions of a Diplomat."—[THE EDITOR.]

EUROPE, whose age ought to have rendered her wiser, has foolishly made of America a true continent of peace amidst the universal delirium of the moment. The name had often been given to her in conference addresses and post-prandial speeches, but it was rather a usurped reputation. We have paid our contribution to warfare. History shows that in the last century, besides the innumerable civil wars—and in this field the primacy also belongs to the United States—your country fought against England, against Mexico, and against Spain; my country fought against Argentine; against Uruguay, and against Paraguay; Chile fought against Peru and against Bolivia; Peru fought against all her neighbors, and so forth, until we reach the toy battles of Central America.

Now we really deserve the title, although we have done nothing else for it than to keep quiet; but to keep quiet in these times of crazy activity and contagious folly is already something, is even a great deal, and we must claim the credit that belongs to us for good behavior. The United States specially have several times felt as if they were going to be drawn into the whirlpool, yet they have managed so far to keep safely away.

I am certainly not going to discuss if the responsibilities of this war belong only to one of the parties or to both. The subject is fortunately and wisely out of our program. Its discussion would, moreover, lead to no practical result. Arguments, reasons, facts, coincidences would be brought in by both sides, without convincing the opponents. Neutrality is the easiest thing on earth to profess and the most difficult one to apply:

it is particularly difficult to impart to others the conviction that it is being applied. Every neutrality is benevolent towards one of the sides in a larger or smaller scale, and to have such a feature suppressed it would be necessary to abide by something called impartiality, in which I do not believe, although I claim to be impartial.

On Latin America the war has had generally detrimental effects, so far as economy is regarded, but morally it has had a wholesome effect. It has drawn the Latin-American countries—the South American countries at least—more closely together than anything else, for the very same and simple reason that the people of a far-away village would flock together like sheep if they saw at a distance a group of highwaymen fighting for the privilege of being the strongest and the richest in that region. They would justly dread to fall under the sway of the victor and have to pay him tribute, unless the fighters get all of them so exhausted that they will have no strength left for the task of exacting such tribute. But, even so, it would be but a matter of time, as one of the highwaymen would surely recover quicker than the rest, and distance does not count now-a-days. Everything goes fast in the air or under the water.

Co-operation may be so considered the legitimate child of fear, and so much more logical this consequence may seem when there exists already an embryo of association—one of the famous *pan* in which the world is divided to the benefit of races and the fostering of progress, so people say, in fact, most of the cases to keep up their rivalry and their hatred. Pan Americanism, I must say, is the most harmless of them so far, particularly when compared with Pan Slavism, Pan Germanism, Pan Islamism and a few others of the lot. It has not yet grown sufficiently to become aggressive: it just begins to show itself defiant, like a lion cub reared in the house, and which all on a sudden makes use of its claws and its teeth.